IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14403 of 2004

Between:

N.C.Ramanna, s/o N.C.Chinna Narayana,
r/o Gondipalli Village, Gooty Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Gooty Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in dismissing the appeal in his proceedings L.Dis.No.K4/ATP/908/2004, dated 11-8-2004 as illegal, arbitrary consequently direct the respondents not to give effect to the suspension order of the 2nd respondent dated 2-8-2005.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner, who is an authorised dealer in respect of the Fair Price Shop of Gondipalli village, Gooty Mandal, Ananthapur District, filed this writ petition aggrieved by the order of the Joint Collector, Anantapur District, first respondent herein, dated 11.08.2004.

The authorisation of the petitioner was suspended, pending enquiry, vide orders of the Revenue Divisional Officer, Ananthapur District, dated 02.08.2004. Against the said order, the petitioner preferred an appeal before the first respondent. The first respondent passed the following order:

> "Upon perusing the grounds of appeal and also order of lower Court (i.e., Revenue Divisional Officer, Ananthapur), it is felt that there is no need to interfere with the orders of Revenue Divisional Officer, Ananthapur. Hence, the case is hereby remanded to the Revenue Divisional Officer, Ananthapur, for disposal duly giving opportunity to the dealer to explain."

aggrieved by the same, the present writ petition has been filed.

The learned counsel for the petitioner contends that all the allegations made against the petitioner in the show-cause notice are false and baseless and at any rate they are trivial in nature, therefore the first respondent is not justified in rejecting the application for stay, pending the appeal. The learned counsel for the petitioner further contends that the order impugned appears to be a final order in the appeal itself and such an order cannot be passed without notice to the petitioner.

A perusal of the order of the first respondent shows that the said order has been passed without reference to any one of the

contentions raised by the petitioner and without assigning any reasons. It also appears that it is a final order in the appeal and such an order, which was passed rejecting the statutory appeal without hearing the appellant, cannot be sustained. Accordingly, the order dated 11.08.2004 is set aside and the writ petition is disposed of with a direction to the first respondent to consider the appeal afresh and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Having regard to the facts and circumstances of the case, I am also of the view that the balance of convenience is in favour of the petitioner and it would be appropriate to continue the petitioner to distribute the essential commodities till the disposal of the appeal. Accordingly, there shall be a further direction that the order of suspension dated 02.08.2004 shall not be given effect to till the appeal is disposed of by the first respondent.

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16.08.2004

VGB

To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Gooty Mandal, Anantapur District.

4 2CCs to the Government Pleader for Revenue, High Court Buildings,

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